

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
051162-00001

In Re Application Of: **Frank Scozzari**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/613920	7/2/2003	Basinger, Sherman D.	26359	3617	4664

Invention:

BODY BOARD HANDLES

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of:

Response to Office Action and request for continued examination

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for reply in the amount of: _____
9. ☐ Issue fee in the amount of: _____
10. ☐ Continuing application filing fee in the amount of: _____
11. ☐ Terminal disclaimer fee in the amount of: _____
12. ☒ Request for Continued Examination Fee \$395.00

Total fees enclosed: \$1,145.00

The fee of **\$1,145** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account No. **501346**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Dated: 7/10/2006

C. Brandon Browning, Reg. No. 44,570
Sirote & Permutt, P.C.

CUSTOMER NO. 26359

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

Amendments to Specification

On page 7 of the specification after line 26, add the following brief description of Figures 7 and 8:

Figure 7 is a plan view of the side of a body board showing how the handle assembly is attached thereto;

Figure 8 is a perspective view of the top, front side of the device illustrating the mounting holds thereof.

Amendment to the Claims

Claims 8-12 (Cancelled).

13. (New) A handle for a body board, comprising:

a post configured to pass through a body board and connect to an anchor;

a strap configured to attach to the post, the strap having a first end and a second end;

a handle structure configured to receive the first end of the strap; and

a buckle configured to receive the first end of the strap and the second end of the strap such that the strap forms a loop when the first end of the strap and the second end of the strap are attached to the buckle,

wherein the handle structure is configured to press a hand against the post when the strap is tightened through the buckle.

14. (New) The handle of claim 13, further comprising a second post configured to pass through the body board and attach to an anchor.

15. (New) The handle of the claim 13, wherein the strap forms an elongated loop when the first end of the strap and the second end of the strap are attached to the buckle.

Arguments

Applicant wishes to thank Examiner for his careful consideration. Applicant submits this reply with a Request for Continued Examination and a Petition for Revival of an Application for Patent Abandoned. Applicant has cancelled claims 8-12 and has added new claims 13-15. Applicant believes the patent is in condition for allowance and allowance is requested.

Lehr does not disclose a handle for a bodyboard comprising a post configured to pass through the body board and connect to an anchor. The handle includes a strap configured to attach to the post. The strap has a first end and a second end. The handle further includes a handle structure configured to receive the first end of the strap and a buckle configured to receive the first end of the strap and the second end of the strap. The strap forms a loop when the first end of the strap and the second end of the strap are attached to the buckle. The handle structure is configured to press a hand against the post when the strap is tightened through the buckle.

Further, Lehr does not disclose the handle having the limitations of claim 13 and further comprising a second post configured to pass through the body board and attach to an anchor. In addition, Lehr does not disclose the handle having the limitations of claim 13 wherein the strap forms an elongated loop when the first end of the strap and the second end of the strap are attached to the buckle.

Neither Lehr nor Gee by themselves or in combination disclose a handle for a bodyboard comprising a post configured to pass through the body board and connect to an anchor. The handle includes a strap configured to attach to the post. The strap has a first end and a second end. The handle further includes a handle structure configured to

receive the first end of the strap and a buckle configured to receive the first end of the strap and the second end of the strap. The strap forms a loop when the first end of the strap and the second end of the strap are attached to the buckle. The handle structure is configured to press a hand against the post when the strap is tightened through the buckle. Further, neither Lehr nor Gee disclose by themselves or in combination the handle having the limitations of claim 13 and further comprising a second post configured to pass through the body board and attach to an anchor. In addition, the references do not disclose the handle having the limitations of claim 13 wherein the strap forms an elongated loop when the first end of the strap and the second end of the strap are attached to the buckle.

Conclusion

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejections, and submits that all of the rejected claims are in a condition for immediate allowance. Should oral discussion facilitate resolution of the outstanding issues, the Applicant encourages the Examiner to contact the undersigned via telephone.

Respectfully submitted,

SIROTE & PERMUTT, P.C.

By: 

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